

SECTION 3. This act shall take effect and be in force from and after its passage and publication.
Approved March 16, 1887.

[No. 103, S.]

[Published March 23, 1887.]

CHAPTER 74.

AN ACT to incorporate the city of Richland Center.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boundaries of
the city of Rich-
land Center.

SECTION 1. All that part of the town of Richland, in the county of Richland, and state of Wisconsin, contained within the limits and boundaries hereinafter specified, including the present village of Richland Center, shall be a city by the name of the city of Richland Center, and the people now inhabiting or who shall hereafter inhabit the district of country herein described, shall continue to be a municipal corporation, by the name of the city of Richland Center, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted; and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries of
city defined.

SECTION 2. The territory included within the following boundaries and limits shall constitute the city of Richland Center, to-wit: commencing at the northeast corner of the southwest quarter of the northeast quarter of section sixteen, in township ten north, of range one east; thence running west to the northeast corner of the southeast quarter of the northeast quarter of section seventeen; thence south on the section line to Pine river; thence along the north and west bank

of said river at low water mark to the south line of the northeast quarter of section seventeen; thence west on said line to the southwest corner of the southeast quarter of the northeast quarter of said section seventeen; thence south on eighth section line to the southwest corner of the northeast quarter of the southeast quarter of section twenty; thence east on eighth section line to the southeast corner of the northwest quarter of the southwest quarter of section twenty-one; thence south on eighth section line to the south line of section twenty-one; thence east on said section line to the southeast corner of the southwest quarter of the southeast quarter of section twenty-one; thence north on eighth section line to the place of beginning.

SECTION 3. The city shall be divided into three wards, as follows: The first ward shall be all that portion of said city lying south of the center line of Haseltine street and the continuation thereof to the east and west boundary lines of said city; the second shall be all that portion of said city lying north of the center line of Haseltine street and west of the center line of Center street and the continuation thereof to the north boundary line of said city; and the third ward shall be all that portion of said city lying north of the center line of Haseltine and east of the center line of Center street with their continuation as above described.

Division of city into wards.

SECTION 4. The corporate authorities of said city shall be vested in one principal officer styled the mayor, and a board of aldermen, consisting of two members from each ward, who, with the mayor, shall constitute and be denominated the common council, and in such other officers as are hereinafter mentioned or may be created under this act

Corporate authority, in whom vested.

SECTION 5. The annual election for city and ward officers shall be held on the first Tuesday in April in each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from ten o'clock A. M. till four o'clock P. M., with the proviso that an adjournment may be had for one hour between the hours of twelve o'clock M. and one o'clock P. M., upon due notice thereof given at the opening of the polls. The city clerk shall give at least

Annual election when held.

six day's notice of such election, stating the time and place in each ward of holding the same, the officers to be elected thereat, and also of any special action to be taken or asked at such meeting by causing the same to be printed in one or more papers published in said city of Richland Center.

Elective officers.

SECTION 6. The elective officers of said city shall be a mayor, clerk, treasurer, assessor and police justice from the city at large, two aldermen, one justice of the peace, one constable and one supervisor for each ward who shall represent said ward on the county board of Richland county, each of whom shall constitute a member of the county board of said county. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All the officers shall be qualified voters of the city and of the ward for which they are elected. All the elective officers except justices of the peace and police justice shall hold their office one year and until their successors are elected and qualified unless otherwise provided. Provided, however, that the common council shall have power for cause, to expel any of its own members except the mayor, and to remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of and an opportunity to be heard in his own defense. Justices of the peace and police justice shall hold their offices for two years and until their successors are elected and qualified. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council.

In case of vacancies.

SECTION 7. Whenever any vacancy shall occur in the office of mayor, justice of the peace or police justice such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he shall be elected or appointed to fill.

Elections shall be by ballot.

SECTION 8. All elections by the people shall be by ballot, and a plurality of votes shall constitute

an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, and the highest number of votes cast for that office, the election shall be determined by casting lots in the presence of the common council and in such manner as it shall direct.

SECTION 9. All persons who are qualified electors of the state of Wisconsin, and are entitled to vote at a general election, and who shall have been residents of the said city and of the ward in which he offers to vote for at least ten days next preceding such election, shall be legal voters for any officers required to be elected by this act.

Who are qualified electors.

SECTION 10. The aldermen and supervisor in each ward shall constitute the board of inspectors of election, and they shall take the usual oaths or affirmations, as prescribed by the general election laws of this state to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections and to administer the necessary oaths. Said election shall be held and conducted in the same manner, and under the same laws and penalties, and vacancies in the board of inspectors thereof be filled, as required by the laws of this state regulating general elections.

Board of Inspectors, by whom composed.

SECTION 11. When an election shall be closed, and the number of votes for candidates or persons voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the city clerk within three days after any election. The common council shall, on the fourth day after such election, meet and canvass such returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice of his election to each person so elected.

Votes to be counted.

SECTION 12. The mayor shall have power to suspend any police officer or watchman appointed by the common council when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

Power of suspension.

SECTION 13. Any officer removing from the city, or any ward officer removing from the ward

Officer removing from the city.

for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to qualify and enter upon the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

First election,
when held.

SECTION 14. The first election under this act shall be held on the first Tuesday of April, 1887, at one place, to be designated by the village board of the village of Richland Center, and said board shall act as inspectors of such election, and shall prescribe the manner of holding and conducting such election, and shall provide ballot boxes for the reception of ballots from the qualified voters of the respective wards, and shall canvass and make returns of the result of such election, as required by this act and the general laws of the state; and all duties herein required of the city officers in regard to elections shall be performed by the present village board of Richland Center, so far as may be necessary in regard to the first election, and the justices of the peace now residing and holding their office in the village of Richland Center shall continue in such office until their term of office expires, in addition to any justice who may be elected under this act. The term of office of those elected at the first election shall commence on the second Tuesday of May, 1887, and shall continue until the second Tuesday of April, 1888, and until their successors are elected and qualified, with the exception of police justices and justices of the peace, whose office shall continue until the second Tuesday of April, 1889.

General laws in
force.

SECTION 15. All the general laws of the state of Wisconsin now in force or that shall hereafter be in force, pertaining to town elections, shall apply with equal force to said ward and city elections, unless otherwise provided by this act.

In case of fail-
ure to elect.

SECTION 16. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election being first given, and said election shall be conducted in all respects so far as practicable, in the same manner as annual elections as herein provided.

SECTION 17. Every person elected or appointed under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, before some proper person authorized to administer oaths, and file the same, duly certified by the officer taking it, with the clerk of the city, and the treasurer, clerk, marshal, constable and such other officers as the common council may direct, shall severally, before they enter upon the duties of their office, execute to the city of Richland Center a bond with at least two sureties, who shall swear they are each worth the penalty specified in the bond over and above all debts, exemptions or liabilities, and such bond shall contain such penal sum and such conditions as the common council may deem proper and they may from time to time require new or additional bonds, and remove from office any officer who shall neglect or refuse to give the same.

Oath of office to be taken and subscribed.

SECTION 18. The mayor, when present shall preside over the meetings of the common council and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time, give the common council such information and recommend such measures as he may deem for the prosperity and advantage of the city. The mayor shall be the chief executive officer and the head of the police in the city, and in case of a riot or other disturbance he may appoint as many special or temporary marshals as he may deem necessary. The mayor shall have a vote only in case of a tie.

Mayor to preside over the meetings: his duties defined.

SECTION 19. At the first meeting of the common council each year they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city or his inability from any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and the president shall be absent at any meeting of the common council, they shall elect a temporary presiding officer; while presiding over the council or performing the duties of mayor they shall be styled acting

President of the council and his duties.

mayor, and any act performed by them or either of them shall have the same force and validity as if performed by the mayor.

Duties of the clerk defined.

SECTION 20. The clerk shall keep the corporate seal, and all papers and records of the city, and keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, and copies of resolutions, by-laws and ordinances passed by the common council and recorded and certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall countersign all orders drawn on the treasury by the mayor, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed shall be as valid and have the same effect as if the same had been filed in the town clerk's office of any town. It shall also be his duty to do or perform any act required to be done by clerks of towns not inconsistent with the provisions of this act, and he shall have power and authority to administer oaths and affirmations, and shall receive such compensation for his services as shall be provided by the common council by ordinance or resolution.

Duties of the treasurer defined.

SECTION 21. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof in such manner as the common council may from time to time direct. The treasurer shall exhibit to the common council at least fifteen days before the annual election, and sooner if required by them, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the clerk. The treasurer, shall, in addition, have the same powers and duties, and be subject to the same liabilities, and be entitled to the same compensation as treasurers in towns.

Duties of marshal.

SECTION 22. The marshal shall perform such duties as shall be prescribed by the common

council for the preservation of the public peace and the collection of license moneys and fines; he shall possess the powers of a constable at common law or by the laws of this state, and receive like fees.

SECTION 23. The common council, at their first meeting in each year, or as soon thereafter as may be, shall designate not more than one weekly newspaper printed in said city, in which shall be printed all ordinances and other proceedings and matters required by this act or by the by-laws and ordinances of the common council to be published in a public newspaper. And in case of the publication of any ordinance, notice, resolution, or other matter which is required to be published, the printer or foreman of said paper shall file with the clerk of the city a copy of such publication, with his oath or affidavit of the length of time the same has been published, and such affidavit shall be conclusive evidence of such publication.

Official news-
paper to be
designated.

SECTION 24. No alderman or mayor shall be a party to or interested in any job or contract with the city or any of its wards, and any contract in which any alderman or mayor shall be so interested shall be null and void; and in case any money shall have been paid on any such contract the common council may sue in the name of the city for and recover the amount so paid from the party to the contract and the alderman or mayor interested in the same.

Shall not be in-
terested in any
job.

SECTION 25. The mayor or acting mayor, the sheriff and deputy sheriff of Richland county and every alderman, justice of the peace, marshal and constable shall be officers of the peace and may command the peace and suppress in a summary way all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all by-standers; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars unless such individual so refusing shall be so sick and infirm as to render it impracticable for him to comply with such command which may be shown in defense.

Officers of the
peace.

SECTION 26. The common council shall have the power from time to time to require other and

Other and fur-
ther duties may
be required.

further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during that term of office.

Style of all ordinances, etc.

SECTION 27. The style of all ordinances shall be: The common council of "the city of Richland Center do ordain," etc. The common council shall hold its first annual meeting in each year on the second Tuesday of April, and thereafter meetings at such time and place as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and have power to compel the attendance of absent members by fines or otherwise.

Management and control of finances.

SECTION 28. The common council shall have the management and control of all the property and the finances of the city, and shall, in addition to the powers herein granted, have full power and authority to make, ordain and establish ordinances and by-laws for the government and good order of the city, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of trade and commerce and the promotion of health not inconsistent with the constitution and laws of the United States or of this state, as they shall deem expedient, and to determine and establish by ordinance the mode of procedure, and what it shall be sufficient to allege and prove in order to make out a prima facie case of the violation of any ordinance. And such ordinances, rules and by-laws are hereby declared to be and have the force of law. For these purposes they shall have authority by ordinance, resolution or by-law:

License and exhibition of showmen, circuses, etc.

1. To license and regulate the exhibition of common showmen and shows of any kind, or the exhibitions of caravans, circuses, and the keeping of billiard tables, bagatelle tables, pigeon hole tables and bowling saloons, and to provide for the abatement and removal of nuisances under the or-

dinances or at the common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and revoke the same for a violation thereof; provided, that the sum to be paid for any license to vend, sell or deal in spirituous, vinous or fermented liquors shall not be less than five-hundred dollars, except to pharmacists, and that all licenses shall expire on the thirtieth day of April in each year.

2. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice and other games of chance, for the purpose of gaming, in said city, and to restrain any and all persons from vending, selling, giving away or dealing in spirituous, vinous or fermented liquors, including distillers, brewers and manufacturers of spirituous, vinous and fermented liquors, whether sold in the original cask, keg or package, or otherwise, unless duly licensed by the common council.

Gaming and fraudulent devices.

3. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gambling.

Riots, noises, houses of ill-fame.

4. To direct the location and management of slaughter-houses and markets, and regulate the storage, safe-keeping and conveying of gunpowder, or other explosive or combustible materials.

Gunpowder, slaughter-houses.

5. To regulate the running of engines, locomotives and cars through said city.

Cars, engines, etc.

6. To direct the location of, regulate and license, tanneries and packing-houses.

Tanneries and packing-houses.

7. To provide for making, grading, improving and repairing the streets of the city of Richland Center, and to provide for making, constructing and repairing of gutters and sidewalks in said city, and to prevent the encumbering of the streets and sidewalks, lanes and alleys, with carriages, sleighs, boxes, lumber, firewood, or other materials or substances whatever.

Grading, paving, removal of obstructions.

8. To prevent horse-racing, immoderate driving or riding in the streets, and to regulate the places of, bathing and swimming in the limits of the city, or prohibit the same.

Immoderate driving, swimming, etc.

- Restrain cattle, etc.** 9. To prevent the running at large of horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same.
- Dogs.** 10. To authorize the running at large of dogs and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance of the city.
- Putrid carcasses.** 11. To prevent persons from bringing, depositing or having within said city, or placing in the ponds, creeks or rivers adjacent to said city, any putrid carcass or other unwholesome or nauseous substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, hides, or skins of any kind, or on default, to authorize the removal by some competent officer at the expense of such person or persons.
- Public pounds, reg. late hackmen, etc.** 12. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the construction and maintenance of hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps and to provide for lighting the streets, public grounds and public highways with gas or otherwise.
- Boards of health, bills of mortality.** 13. To establish and regulate boards of health, provide hospitals, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation.
- Size and weight of bread.** 14. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread contrary thereto.
- Riding or driving on sidewalks.** 15. To prevent all persons riding or driving any horse, mule, cattle or other animals on the sidewalks in said city, or in any way doing damage to such sidewalks.
- Shooting of fire-arms.** 16. To prevent shooting off fire-arms or crackers, or other explosives, and to prevent the exhibition of fire-works in any situation which may be considered by the council dangerous to the city or any property therein or annoying to the citizens thereof.
- Drunkennes.** 17. To restrain drunkards, drinking, intoxicants and obscenity in the streets or public places, and to provide for arresting, removing

and punishing any person who may be guilty of the same.

18. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. Runners.

19. To make rules and ordinances for the regulation and government of the police of the city. Ordinances.

20. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons who intercept or interfere with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats fish and other provision. Public markets.

21. To regulate the place and manner of weighing and selling hay and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same. Hay, wood, etc.

22. To compel the owners of buildings or grounds, or the occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction of the objectionable substance, by some other person or officer of the city, at the expense of such owner or occupant. Removal of rubbish, etc.

23. To regulate, prevent and control the landing of persons from cars and stages or other vehicles wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city. Contagious and infectious diseases.

24. To regulate the time and place of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise at public auction, and to grant licenses for the same, and to prescribe and fix the amounts to be paid for such license; provided, that nothing in this act shall prohibit or affect in any manner sales at auctions in cases specified in chapter 291, of the session laws of 1885. Holding auctions and vendues.

- Watchmen.** 25. To appoint watchmen and to prescribe their duties.
- Weights and measures.** 26. To provide by ordinance for a standard of weights and measures.
- Trees and monuments.** 27. To protect trees and monuments in said city.
- Repair of streets.** 28. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from encumbrances, and to protect them from injury, and to have and exercise such other powers, duties and obligations as are possessed by the board of town supervisors.
- Alter name of street.** 29. To alter or change the name of any street in the city.
- Create and consolidate school districts.** 30. To create, consolidate, or change school districts and to alter their boundaries in said city under the same restrictions and with the same powers as is now or may hereafter be conferred upon town boards under the general laws of this state.
- Make and repeal ordinances.** 31. To make, ordain, amend and repeal all ordinances, by-laws and police regulations necessary for the good order and government of the city which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act or which may be vested in any officer of said city by any ordinance thereof.
- Employ counsel.** 32. To provide for the prosecution or defense of all actions or proceedings in which the city is interested, and employ counsel therefor.
- City hall and engine-house.** 33. To purchase real estate and provide for the erection of a city hall and engine-house and also a calaboose.
- Special elections.** 34. To call special elections for the purpose of raising a tax where in its opinion the amount which they are authorized to raise by the provisions of this act is insufficient to meet the requirements or needs of the city.
- Establish grades.** 35. To establish grades of any or all streets in the city; to cause sidewalks, gutters and pavements to be constructed, and when a grade shall be constructed and established it shall have such gradients as shall be sufficient to carry-off all surface water or other waters, from whatever source coming, on the street or streets; and when a grade is so established they shall cause an accurate pro-

file to be made thereof and filed with the city clerk; and all such grades shall be worked in exact accordance with such profile and the ordinance establishing the same.

36. To establish a fire department and to provide for the due and proper support and regulation of the same, and to appoint and direct the election of such officers for such department as it shall see fit, and to define their powers and duties, to provide protection from fire by the purchase of fire-engines and all necessary apparatus for the extinguishing of fires, and by the erection of pumps and construction of watermains, reservoirs or other water-works; to erect engine houses; to compel the inhabitants of the city to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fires as shall be directed by them or any two of them who may be present at the fire for the purpose of preventing its spreading to other buildings; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the city or any part thereof; to authorize fire wardens at all reasonable times to enter into and examine all dwellings, lots, yards, inclosures and buildings of every description in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in safe condition; and generally to establish such necessary measurers for the prevention or extinguishing of fires as may be necessary and proper; and to declare by ordinance the punishment for violation of any such ordinance or regulation. The fire company now and heretofore existing in the village of Richland Center and its constitution, laws and by-laws, regulations and officers shall continue in full force in said city of Richland Center, and be supported by said city until the common council shall establish a fire department under the provisions of this act, and the proper officers now existing shall, in the months of May and October in each year, make a report to the common council showing an estimate of what will be necessary and required for the maintenance of said department; and also a

Fire department.

correct statement showing for what purpose moneys have been expended which may have been paid to said department by the city.

Awnings, hitching posts, etc.

37. To regulate and control or prohibit the erection of awnings and awning posts, and to provide for and control the erection and maintenance of hitching posts for teams.

Ornamental and shade trees.

38. To regulate and control the setting out of ornamental or shade trees in the streets of said city, and to require by ordinance the owners of lots or grounds to set out and plant shade trees in the streets adjacent to their grounds, and to prescribe the kind and size of such shade trees, with power to levy special taxes upon the adjacent lots or grounds to defray the expense thereof by the city, in case of default by the lot owner.

Fire limits.

39. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials which shall not be considered fire-proof shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the repairing of wooden buildings within the fire limits where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Passage of ordinances, etc.

SECTION 29. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a newspaper published in said city one week before taking effect and within ten days thereafter they shall be recorded by the city clerk in books provided for that purpose, to be called the "city records;" but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof shall be proven by the affidavit of the printer or foreman in the office of such paper in which the same shall be published, and the said affidavit shall be recorded therewith, and at all times such record, or a duly certified copy thereof, shall be prima facie evidence of the passage and validity of such ordinance, by-law or regulation in all courts and for all purposes whatsoever.

SECTION 30. The power conferred upon said

council to provide for the abatement of and removal of nuisances shall not bar nor hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses, or places where spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than one hundred pounds of gunpowder, or more than five barrels of carbon oil are deposited, stored or kept at any one time, are hereby declared and shall be deemed nuisances.

Removal or
abatement of
nuisances.

SECTION 31. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal and other officers or agents of the city, at such times as they may deem proper, also at the end of each year and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers, for such examination and settlement; and if any such officer shall refuse to comply with the orders or requirements of the council in the discharge of his duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all settlements; and the common council shall have power upon an affirmative vote of two-thirds of its members upon reasonable notice to remove from office any officer of the city elected or appointed by the common council.

Audit and ex-
amination of
accounts.

SECTION 32. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special

Control of the
funds.

taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city.

Forfeitures
and penalties.

SECTION 33. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by laws, rules, resolutions and regulations of the city, and all moneys received for licenses shall be paid into the city treasury and become part of the general fund. All orders shall be payable to the person or order of the person in whose favor they may be drawn.

Annual tax
levy.

SECTION 34. The common council of said city shall annually levy upon the taxable property of said city to defray the current and lawful expenses of the city, a tax sufficient to defray the same; provided, said common council shall not levy a tax for general purposes exceeding one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by the majority of the electors of said city at a general or special election.

Accounts to be
verified.

SECTION 35. No account of any person shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner duly certified by him.

Determination
of council to
be final.

SECTION 36. When the claim of any person against the said city shall be disallowed, in whole or in part by the common council, the determination of the common council disallowing in whole or in part said claim, shall be final and conclusive and a perpetual bar to any action in any court founded on such claim, unless an action to recover the same shall be commenced within sixty days after such disallowance by the common council of said city.

Claim must be
presented first
before action
against city
shall be main-
tained.

SECTION 37. No action shall be maintained by any person against the city of Richland Center upon any claim or demand until such person shall first have presented his claim or demand to the common council for allowance.

Common coun-
cil to make
report.

SECTION 38. The common council shall annually on Tuesday next preceeding the annual election, make a report showing in detail all the receipts and disbursements of said city for the past

fiscal year and cause the same to be published before the annual election.

SECTION 39. The common council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning streets, alleys, public grounds, reservoirs, gutters, sewers, drains, sidewalks and crosswalks in the manner hereinafter mentioned, and direct and control the persons employed therein, and provide for the payment of the costs, charges and expenses incurred thereby, out of the city moneys. All work to be done for the city may at the discretion of the council be let to the lowest responsible bidder, the council having first given notice of the time and place of letting a contract for the same by publication in a newspaper printed in the city not less than ten days prior to such letting; provided, that in all cases of advertising such lettings of contracts the common council shall reserve the right to reject any bids offered if the same shall not appear to the council to be reasonable in amount or to be offered by responsible bidders; and the common council may in all cases require that a bond shall be given for the performance of the contract in such form as the council may desire. The common council may order any such work to be done without letting a contract when it shall seem that the interests of the city are best subserved thereby.

Power to contract for grading.

SECTION 40. The council shall have power to purchase such instruments, tools and approved machinery as may be required for properly surveying, making, grading and repairing the streets and alleys in said city, and doing such other work as is mentioned in the foregoing section, and it shall also have the power to purchase any material necessary therefor.

Power to purchase tools, etc

SECTION 41. The general powers and duties of the street commissioner shall be the same as overseers of highways in towns, except as otherwise herein provided. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the streets, alleys, public grounds, reservoirs, gutters, sewers, waters of the river and water-courses in said city are duly observed and kept, and direct and control the persons employed therein; and he shall have a general supervision over all work let by contract for

Powers and duties of street commissioner.

the improvement of streets or sidewalks in said city, unless the council shall otherwise provide. Such commissioner shall be under the direction of the common council, and he shall make no orders nor give any directions for the improvements of streets unless such improvements have been authorized by the council, or committee of the council acting under authority. Whenever any places occur in any street whereby the life or property of persons using the street becomes endangered, the street commissioner shall proceed at once to repair such street to a safe and passable condition.

Property sub-
ject to taxation.

SECTION 42. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers and perform the same duties as are or may hereafter be conferred upon town assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and change, enlarge or restrict the same.

Abstract of as-
sessment roll to
be transmitted
by the clerk.

SECTION 43. Before the annual meeting of the board of supervisors of the county of Richland, and by the time required by law for the return of the assessments from the respective towns, the city clerk shall transmit an abstract of the assessment roll of the city to the county clerk of said county, who shall lay the same before the county board of supervisors of the county, at its annual meeting. The county board shall consider said report of the city as a town, in equalizing the assessments of the respective towns as required by law, but in such equalization shall regard the assessment roll of the city as an entirety, disregarding any division of such city into wards. Said board may levy a tax upon said city, as now is, or may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law in relation to towns and town clerks, and in all trans-

actions of the county board of supervisors, the city shall be regarded as a town, except the board shall receive a supervisor from each ward of the city as one of its members, and such other exceptions as are provided for in this act.

SECTION 44. The common council shall have power to tax annually each male inhabitant of the city, between the ages of twenty-one and fifty years, except such as may be exempt by the laws of this state from poll tax, a sum not to exceed one dollar and fifty cents, to be denominated a poll tax. Said tax, when so levied and collected, to be paid into the city treasury, and to be used only for the improvement of streets, walks and crossings in said city.

SECTION 45. The common council, the assessor and the city clerk shall constitute the city board of equalization and shall meet on the first Monday of July in each year, at the clerk's office, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same are applicable, revising, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board and the clerk shall be clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk and all changes of the assessment roll by the board of equalization shall be noted by the clerk.

SECTION 46. It shall be the duty of the city clerk immediately on receipt of the corrected assessment roll and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and make out the tax roll of the city, in the same manner and form and at the same time as required by the laws of this state of town clerks, and the said city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed and deliver the same to the treasurer on or before the second Monday of December in each year, and to each assessment roll thus delivered, a warrant under the hand of the clerk and the corporate seal of said city, shall be annexed, substantially in the form required by law to be given by town clerks. The assessment roll and warrant thereto attached shall be prima facie evidence in all courts that the lands and persons named were subject to tax-

ation, and that the assessment was just and equal.

Taxes a lien on the lands.

SECTION 47. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed and on all personal property of any person or corporation assessed for personal tax, from the delivery of the warrant for collection thereof, until paid.

All general laws relating to taxes to be in force.

SECTION 48. All the general laws of this state which are now or may hereafter be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of town treasurers to collect taxes, except as herein provided.

Public notice to be given by treasurer.

SECTION 49. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city that such tax list has been delivered to him for collection, and that he will receive payment for taxes at his office for the term of thirty days ensuing the date of said notice. If the taxes are not paid in that time he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written or printed notices in as many public places in the city.

Fees collected to be two per cent.

SECTION 50. The treasurer shall collect as fees for the collection of taxes two per cent. on all taxes collected by or paid to him prior to the second Monday of January of each year, and five per cent. upon all taxes or assessments paid to or collected by him after the second Monday of January, and in case of distress or sale made by him of goods and chattels for the payment of any tax, he shall collect the same fees as are allowed constables on sales of goods upon execution.

City taxes to be retained by treasurer.

SECTION 51. The city treasurer shall retain in his hands the amount specified in his warrant to be paid into the city treasury, together with his fees, and shall, on or before the day specified in his warrant for paying the money therein directed to be paid to the county treasurer, pay to him

the sum so directed to be paid to the county treasurer, in the manner required by law, and the city treasurer shall pay over the full amount of state tax on or before the third Monday of January of each year, though it may occasion a deficiency in the city taxes.

SECTION 52. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things as are prescribed by the laws of this state and any acts that may hereafter be passed amendatory of said acts in addition thereto pertaining to the collection of taxes by town treasurers.

In case tax is not collected, how to proceed.

SECTION 53. The common council shall have power to order the building, construction, reconstruction or repair of sidewalks in said city, in such manner as it may deem proper; provided, however, when any member of the council shall offer a resolution for the construction of any sidewalk the resolution shall be referred to the proper committee and lie over until the next meeting. Such resolution shall describe the street or part of street along which and the block opposite which it is proposed to construct such sidewalk. The city clerk shall, within five days after such resolution is introduced and referred, serve a copy of such resolution on each resident or occupant of lots on the street or streets along which it is proposed to build such sidewalk, if the same is occupied.

Power to order building and construction of sidewalks.

SECTION 54. At the next meeting after such resolution shall have been so offered and referred, action shall be had by the common council thereon, and if such resolution be adopted an order shall be entered on its records requiring a sidewalk to be constructed along such street or part of street or lands described in said resolution. The common council shall in such order designate and determine the street or part of street along which such sidewalk shall be constructed and the time within which the owner or owners of the property along such street shall build the same. If the owner or owners of any such lot or lots or of such lands shall fail to so construct such sidewalks opposite the lot or lots or lands so owned or occupied by him or them within the time limited in said order, the city shall construct such part

City to construct sidewalks if owner fails to do so.

thereof as such owner or occupant has so failed to construct, and charge the cost thereof to the lot or lots or lands opposite which the city shall have so constructed such sidewalk.

City marshal to
serve copy.

SECTION 55. Within three days after said order shall have been entered as aforesaid, the city marshal shall serve a copy of such order upon the residents and occupants of the lots or lands opposite which such sidewalk is to be constructed, personally, or by leaving a true copy thereof at the usual place of abode of such owner or occupant in said city. In case any owner or owners of any such lot or lots, or of such lands, shall not reside thereon or in the city, or his or their names shall be unknown to the marshal and the lot or lots or lands shall be unoccupied, then such order shall be served on such non-resident or unknown owner or owners by publishing the same in some newspaper published in said city at least once, and at least ten days before the expiration of the time limited in said order for the construction of said sidewalk. As soon as the city marshal shall have completed the service of said order as herein provided, he shall make and file with the city clerk his return of service, in which he shall state the time, place and manner of such service, and in case the order shall have been published as hereinbefore provided, he shall attach to his return and file therewith the affidavit of the publication thereof in the usual form, subscribed and sworn to by the printer or foreman of the newspaper in which such order was so published.

Owner may
construct after
order is given.

SECTION 56. At any time after such order shall have been so entered by the common council as hereinbefore provided, and within the time therein limited therefor, the owner or owners of the lots or lands opposite which said sidewalk is to be constructed may at his or their own expense, and in the manner and of the width and material designated in such order, construct such sidewalk opposite the lot or lots or lands owned by them respectively.

Duty of street
commissioner
after time ex-
pires.

SECTION 57. Within three days after the expiration of the time limited in such order for constructing said sidewalk, the street commissioner of the ward in which said sidewalk is ordered to be built shall examine the street, part of street, or block along which said sidewalk shall have

been ordered to be so constructed, and within said three days shall make and file with the city clerk a report, in writing, signed by him as to the construction of the same. He shall state in such report what part of said sidewalk, if any, has been and what part, if any, has not been constructed in conformity with such order and shall describe the lots or parts or lots, or lands, if any, opposite which a sidewalk has been so constructed, as well as the lots, parts of lots and lands, if any, along which said sidewalk has not been so constructed.

SECTION 58. If it shall appear by the report of the street commissioner that any part of such sidewalk has not been constructed in conformity with the order aforesaid, the common council shall at its next meeting after each report shall have been made and filed, direct the street commissioner to proceed at once to construct, in conformity with said order, such part of said sidewalk as said report shows has not been so constructed, and the said street commissioner shall thereupon proceed at once so to construct such part of such sidewalk.

To make report of condition.

SECTION 59. Immediately upon completing his work the street commissioner shall make and file with the city clerk a statement in writing, subscribed and sworn to by him, in which he shall state the total expense actually incurred by him in so constructing that part of said sidewalk in front of each lot or part of lot or land opposite which it appears by his report the owner or owners of such lot or part of lot or land had failed to construct a sidewalk as aforesaid.

Statement in writing to be made.

SECTION 60. At its next meeting after such statement shall have been so filed the common council shall by resolution levy and assess upon each lot or part of lot or lands opposite which any sidewalk or part of sidewalk shall have been so constructed by said street commissioner as appears by his said statement, a special tax sufficient to pay the actual expenses incurred in so constructing the same as appears by said statement, and said resolution shall describe each of such lots or parts of lots or lands, state the names of the owners thereof, when known, and give the amount of the tax so levied and assessed upon each such lot or parts of lots or lands.

Assessment to be made, and when.

SECTION 61. On or before the first day of De-

Amount to be inserted in a separate column of tax roll.

member of each year the city clerk of said city shall insert in a separate column in the tax list of his city next thereafter, to be delivered to the city treasurer of said city for collection, and opposite to the description therein of each of said lots or parts of lots or lands, the amount of such special tax properly chargeable thereto, as appears by aforesaid resolution adopted by the common council, and the said special taxes shall be collected or returned delinquent in the same manner as town, county and state taxes are collected or returned delinquent by law; and the lots or parts of lots or lands upon which such special taxes may be so levied and assessed may be sold and conveyed for the non-payment thereof in the same manner and with the same effect as if such special tax had been a general town, county or state tax.

May order repair of sidewalks, etc., and how.

SECTION 62. Whenever it shall be necessary, in the opinion of the common council, to repair or reconstruct any sidewalk, it may cause such sidewalk to be repaired or reconstructed at the expense of the owners of the lot or lots or lands abutting on such sidewalk, in the same manner as it is authorized to construct new sidewalks; provided, however, that when any sidewalk is in an immediate dangerous condition, and the costs of repairing the same opposite any lot or piece of land shall not exceed three dollars, the street commissioner shall forthwith notify the owner of the lot or land abutting on such dangerous sidewalk, if a resident of said city, to repair such sidewalk; and if such owner shall not at once proceed to repair the same, the street commissioner shall at once repair such dangerous sidewalk, and the costs of such repairs shall be levied upon and collected from the lots or lands abutting on such dangerous walk in the same manner as the costs of constructing new walks are levied and collected from the lots and lands abutting thereon.

Penalties and forfeitures may be sued for.

SECTION 63. The city of Richland Center, in its corporate name, may sue for and recover any and all fines, penalties and forfeitures under said city charter, and the acts amendatory thereof, or the ordinances, by-laws or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and it shall be lawful to complain generally in debt for

such penalty or forfeiture, stating the section of this act or the ordinance, by-law or regulation under which the penalty or forfeiture is claimed and to give the special matters in evidence under it. In all prosecutions for any violation of any of the provisions of this act, or of any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant as in cases of tort before a police justice.

SECTION 64. When the action is commenced by summons, the complaint may be substantially in the following form: Form of complaint.

The City of Richland Center, }
 against }
 A— B— }
 In Police Court, before C— D—, Police Justice.

The plaintiff complains against the defendant, for that the defendant on the — day of —, 18—, at the said city, did violate (section — of this act, or section — of ordinance number —, or by-law or regulation of said city, describing it by its title), which said — is now in force. By reason of such violation, an action hath accrued to the city to recover of the defendant the sum of — dollars. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 65. In all cases where oath is made for a warrant, the complaint shall be made on the oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form: Form of affidavit.

The City of Richland Center, } Before
 against } C. D.
 A. B. } Police Justice.

COUNTY OF RICHLAND — SS.

E. F., being duly sworn, on oath complains to C. D., police justice in and for said city, that A. B., on the — day of —, 18—, at said city, did violate (section — of this act, or section — of ordinance No. —, or by-law, or regulation of said city, describing it by its title), which said — is now in force, as this complainant verily believes; and prays that the said A. B. may be arrested and held to answer to said city.

Subscribed and sworn to before me this — day
of —, 18—.

C. D.,
Police Justice.

It shall be sufficient to give the number of the section of this act, or the section and number of the ordinance and title thereof, or by-law or regulation violated in the foregoing form of complaint; and said complaint may be sworn to before any officer authorized to administer oaths. Upon filing such oath with the police justice, he shall issue a warrant substantially in the following form:

Form of war-
rant.

COUNTY OF RICHLAND,
The city of Richland Center, } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal or any policeman of the city of Richland Center, greeting:

Whereas, E. F., has this day complained to me, in writing, on oath, that A. B., on the — day of —, 18—, at said city, did violate (here state the offense as in the complaint); therefore, you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of Richland Center on the complaint aforesaid.

C. D.,
Police Justice.

Form of com-
plaint.

The summons may be substantially in the following form:

COUNTY OF RICHLAND,
The city of Richland Center, } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal or any policeman of said city, greeting:

You are hereby commanded to summon — —, if he shall be found in your county, to appear before the undersigned, a police justice in and for said city, on the — day of — A. D. 18—, at — o'clock in the — noon, to answer the city of Richland Center to the damage of said city, — dollars or under.

Given under my hand this — day of —, 18—.

C. D., Police Justice.

The summons shall be made returnable and served in the same manner as is now or may hereinafter be prescribed by the laws of this state for the return and service of summons in justices'

court, and a continuance had by either party for cause shown.

SECTION 66. Upon return of a warrant the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court, shall recognize, with security to be approved by the court, for his, or her appearance, in such sum as the court shall direct, or in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Richland county, and be received and kept therein the same as in criminal actions. The complaint made as aforesaid shall be the only complaint required; and the plea of not guilty shall put in issue all subject matter embraced in the action, and witnesses shall attend before the police justice in all city and criminal suits, without the payment of fees in advance, or a tender thereof upon process duly served, and in default thereof, their attendance may be compelled by attachment.

How to proceed after return is made.

SECTION 67. In prosecutions before the police justice to recover any penalty or forfeiture under this act or the ordinances, by laws or police or jury shall be allowed and trial had as in criminal cases before a justice of the peace. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture provided in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; and that in default of payment the defendant be imprisoned in the county jail of Richland county for such time as may be prescribed by this act or the ordinance, by-law or regulation violated, not exceeding six months.

Proceeding in case of trial.

SECTION 68. In case the finding of the court be guilty, as provided in the preceding section, the judgment of the court shall be substantially in the following form: The court having found the defendant, A. B., guilty as charged in the complaint, it is now here adjudged by the court that the defendant, A. B., pay a fine of — dollars and the costs of this suit, taxed at — dollars and — cents, in all, the sum of — dollars and — cents fine and costs, and that in default of payment of the said sum of — dollars

Findings of the court.

and — cents, fine and costs, the said defendant, A. B., be imprisoned in the county jail of Richland county for the term of — days from the — day of —, 18—, to the — day of —, 18—, until such fine and costs are paid, or be discharged by due course of law.

Form of commitment.

SECTION 69. Upon the rendition of such judgment against the defendant, and upon the non-payment thereof, the police justice shall forthwith issue a commitment which shall be substantially in the following form:

RICHLAND COUNTY, }
The City of Richland Center. } ss.

The state of Wisconsin, to the marshal of said city, the sheriff or any constable of said county, and to the keeper of the common jail of said county:

Whereas, at the police court of said city, held at my office in said city for the trial of A. B., for the offense hereinafter stated, the said A. B., was convicted of having on the — day of — 18—, at said city of Richland Center, in said county of Richland, violated (here state the offense as stated in the warrant) and upon conviction the said court did adjudge that the said A. B., should pay a fine of — dollars and the costs of suit taxed at —, in all the sum of — and that in default of payment of the said sum of — dollars and — cents, fine and costs, the said A. B. should be imprisoned in the common jail of said Richland county, for the term of — days, from the — day of — 18—, to the — day of — 18—, and whereas there has been and is default in the payment of the said sum of — dollars, — cents, fine and costs, now, therefore, you the said marshal are commanded forthwith to convey and deliver the said A. B., to the said keeper, and you the said keeper are hereby commanded to receive the said A. B., into your custody in said jail, and him there safely keep until the expiration of said — or until the said fine and costs are paid or be thence discharged by due course of law.

Given under my hand this — day of —, 18—

Police Justice.

Appeal may be taken by defendant.

SECTION 70. In all cases when judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the or-

dinances, by-laws, rules or regulations of said city of Richland Center, the defendant may appeal from such judgment to the circuit court of the county of Richland, in the same manner as is now provided by law from judgments of justices of the peace in criminal cases. Said appeal shall stand for trial by jury unless a jury be waived at the next term thereof after the day the judgment of the police justice shall be rendered, and no notice of trial shall be required to be given by or to either party.

SECTION 71. If the judgment of the police justice shall be affirmed upon appeal, or if, upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he is prosecuted, and enter judgment against him and his sureties for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort.

In case judgment be affirmed.

SECTION 72. No person shall be incompetent as judge, justice, juror or witness, by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

Shall not work incompetency.

SECTION 73. When any suit or action shall be commenced against said city, service may be made by leaving a copy of the process or summons with the mayor or clerk of said city at least six days before the return day thereof if it be from a justice of the peace; if it be from a court of record the general law of the state shall govern. It shall be the duty of the mayor or clerk when so served forthwith to inform the common council or take such action in the matter as by resolution or ordinance said council may have provided.

Suit or action against city.

SECTION 74. No real or personal property of any inhabitant of said city or of any individual or corporation shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city. No execution shall issue on any judgment against said city, but the same shall be certified to the clerk of the city and placed by him in the tax roll and collected the same as now is or hereafter may be required by the general laws of the state

Property shall not be attached for city judgments.

of Wisconsin in towns, and no attachment shall issue against the property of the city.

Jurisdiction of justices of the peace defined.

SECTION 75. The justices of the peace elected under this act shall have the same and equal jurisdiction throughout the county of Richland, and be subject to the same obligations and perform all and like duties of justices of the peace, under the general laws of the state of Wisconsin, and shall qualify in the same manner, except the official bonds or agreements required to be given by them shall be approved by the common council of said city.

Duties of the police justice defined.

SECTION 76. The police justice shall take and file the oath of office; he shall give a bond conditioned to faithfully discharge the duties of his office and pay over according to law all moneys and fees not his own collected or received by him. His term of office shall be two years, and until his successor is elected and qualified. He may be removed from office by the common council, on a vote of two-thirds of all the members of said council, for official incapacity or misconduct, after giving him reasonable hearing in his own defense. He shall hold the police court, and within the limits of the city have the jurisdiction of a justice of the peace and exclusive jurisdiction of all cases whatever arising under this act or the ordinances, by-laws, resolutions, rules and regulations of said city, and concurrent jurisdiction of all criminal cases arising therein; provided, that in case of sickness, absence or incapacity of such police justice to act, the mayor shall appoint some justice of the peace of said city to act as police justice until such sickness, absence or incapacity is removed, who during that time shall possess all the powers and perform all the duties of police justice, and be subject to removal in the same manner.

Employment of prisoners by the city authorities—how done.

SECTION 77. If the mayor of the city shall at any time deem it for the interest of the city, he may employ and work the prisoners committed to the jail of Richland county from said city, on final judgment, in the jail or outside the jail, on the public grounds, streets, alleys or elsewhere in said city, and may cause them to be secured in such manner as in his judgment will prevent their escape, and the keeper or custodian of the common jail of said county shall, upon the order of the

mayor of said city, deliver the prisoner or prisoners in such order named and described to the keeping and custody of such person or persons in said order directed, and receive and securely confine such prisoner or prisoners when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city. All persons so committed and kept at labor shall be allowed one dollar per day for each days' labor exclusive of board, and the amount so earned shall be applied to the liquidation of the judgment until the same be fully paid by said labor (unless the sentence shall sooner expire), at which time the judgment shall be endorsed satisfied and the defendant discharged from custody.

SECTION 78. The city of Richland Center may purchase and hold real and personal estate sufficient for the convenience of the city, and may lease, sell and convey the same; and the same, while owned, occupied or held by said city shall be exempt from taxation.

City may hold real and personal property.

SECTION 79. When the city deeds or leases any real estate, or interest therein owned by said city, the party of the first part shall be "the city of Richland Center," and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

How property shall run when based.

SECTION 80. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed and order and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and countersigned by the city clerk and sealed with the corporate seal of said city and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Mayor authorized to execute deeds.

SECTION 81. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, which said deed or lease and such copy so attached and record thereof shall be in all courts prima facie

Ordinance to be attached to deed or lease.

evidence of the authority of the mayor to make and execute such deed or lease.

Regarding
school district
number two.

SECTION 82. School district No. two, of the town of Richland, which lies partly in the town of Richland and partly in the city of Richland Center, shall not be affected by this act, and the management thereof shall remain the same as heretofore, except that the corporate name of said school district shall be joint school district number two, of the town of Richland and the city of Richland Center; and the common council of said city and the town board of said town may alter, the said district in the same manner that the common council of cities, trustees of villages and the town boards of towns may now alter school districts which lie partly in a city or village incorporated by special act, and partly in an adjoining town or towns, under the provisions of the revised statutes of 1878 and the amendments thereto, and the same relations, duties and obligations shall exist between the officers of said district and the clerk of said city as exist between the officers of joint school districts composed of two or more towns and town clerks.

County treasurer shall sell all delinquent lands.

SECTION 83. The county treasurer shall sell all delinquent lands and lots returned from the city of Richland Center, at the same time and in the same manner as other delinquent lands are sold in the county, and it shall be his duty, and he is hereby required where lots, tracts, pieces or parcels of land have been returned by the city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of such delinquent lots, tracts, pieces or parcels of land by him, to pay said city treasurer the amount which may have been returned delinquent belonging to the city of Richland Center, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of lands so returned as delinquent.

Confinement of offenders.

SECTION 84. The common council shall have power to contract with the keeper of the common jail of Richland county for the confinement of offenders, and every such offender may be delivered to such keeper or to the sheriff of said county, for whose safe-keeping, custody and delivery said sheriff shall be responsible, as in other cases.

SECTION 85. From and after the second Tuesday in March, 1887, the connection between the town of Richland and the city of Richland Center, for all town purposes, shall be dissolved; all that part of said town not included within the limits of the city of Richland Center, shall constitute the town of Richland, and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint.

Connection between town and city to c. use.

SECTION 86. It shall be lawful for the town of Richland to hold its meetings and elections in the city of Richland Center, and it shall be lawful for the supervisors of said town to hold their meetings for the transaction of all town business at any proper place within said city, and the said town board may authorize and empower the town clerk and treasurer of said town to keep the books and papers of their respective offices at some suitable place within the limits of said city; provided, that said city shall not be chargeable with nor liable for any of the expenses arising or growing out of any of the provisions of this section.

Election of town may be held in the city.

SECTION 87. All moneys, properties, effects and credits belonging to the present village of Richland Center shall belong to and be the moneys, properties, effects and credits of the city of Richland Center, and shall be transferred to the proper officers of said city by the person in charge of the same as soon as such officers shall be elected and qualified.

Village moneys shall inure to city.

SECTION 88. Any lawful debt, claim, demand or right of action against the present village of Richland Center shall be and become a lawful debt, claim, demand or right of action against the city of Richland Center, and any and all irregularities that may exist by virtue of re-incorporating said village, and the election or appointment of any and all officers and pretended officers of said village or said city, shall in no way invalidate or be set up in defense by the said city of Richland Center, or any person or persons in any action upon any bond issued by said village, or any other debt, claim or demand against said village.

Village debts to be assumed by the city.

SECTION 89. Four members of the common council at any regular meeting shall be a quorum

What constitutes a quorum.

for the transaction of business. Any less number may adjourn from time to time at pleasure.

Power to prosecute penalties.

SECTION 90. The common council shall have power to prescribe and affix penalties for the violation of any ordinance, by-law, resolution or regulation of said city, to be not less than three dollars nor more than two hundred dollars in any case, and in default of payment to provide for committing the person convicted to the watch-house or place of confinement in the city or to the county jail until payment be made, not exceeding ninety days in all, and to modify, amend, repeal any ordinance, resolution, by law or other former determination of the council.

License, how signed.

SECTION 91. Every license issued under this act or ordinance, or resolution, or by-law of the city shall be signed by the city clerk and sealed with the corporate seal; but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer that he has received the amount required by the ordinance, by-law or resolution of said city to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, vinous, fermented or malt liquors unless the same shall have been authorized by the common council, and the applicant shall have filed his receipt as aforesaid, together with a bond to be approved by the common council. All licenses shall be recorded by the city clerk in the city register.

No general law shall repeal.

SECTION 92. No general law of this state contravening the provisions of this act, shall be considered as repealing or amending or modifying the same, unless such purpose be expressly set forth in such law as an amendment to the charter.

Remission of penalties.

SECTION 93. Any penalty or judgment recovered in favor of the city may be remitted by a vote of two-thirds of the common council at any regular meeting thereof.

Declared a public act.

SECTION 94. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state.

General laws.

SECTION 95. All the general laws of the state of Wisconsin now in force, or that may hereafter be in force, shall have full force and effect in the city of Richland Center, except as otherwise pro-

vided by this act and the ordinances, resolutions and by-laws of said city.

SECTION 96. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover possession of such property, books papers and effects in the manner prescribed by the laws of this state.

Penalty for
non-delivery to
successor.

SECTION 97. The present justices of the peace of the village of Richland Center, the police justice, the clerk and the treasurer, thereof shall each at the expiration of his office deliver to the city clerk all moneys, property, books, papers, vouchers and effects belonging to or in anywise pertaining to his office, and the city clerk shall transfer the same to the person holding the corresponding office in the city of Richland Center, and the effect of such transfer shall create the same duties, liabilities, powers and obligations on the part of the transferee as are created by a like transfer by a town officer to his successor in office.

Present village
office is to de-
liver to the se-
of the city.

SECTION 98. If any person shall be found in the city of Richland Center by a peace officer in the violation of this act or any ordinance, by-law resolution made in pursuance thereof, he shall be immediately arrested by such officer and taken before the police justice, who shall, upon complaint of such officer proceed to investigate the matter and pronounce judgment according to the law and the facts in the case, and no writ, warrant or other process shall be necessary for the apprehension or arrest of such offender.

Immediate ar-
rests may be
made.

SECTION 99. All constables elected in the city of Richland Center shall have the same powers and authority and be subject to to the same duties and obligations as constables elected in towns, and may serve any writ, warrant or other process issued by any justice of the peace or police justice, whether directed to them or not.

Powers of con-
stable.

SECTION 100. No compensation or salary shall be allowed or paid to the mayor or any alderman

Regarding
compensation
to city officers.

of said city, except for services rendered as inspectors of elections and when actually engaged upon a board of review, for which services they shall receive the compensation provided by law to other officers for like services.

SECTION 101. This act shall take effect and be in force from and after its passage and publication.

Approved March 19, 1887.

[No. 376, A.]

[Published March 24, 1887.]

CHAPTER 75.

AN ACT to amend the charter of the city of Elroy.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City bound-
aries defined.

SECTION 1. Amend section 1, of chapter 224, of the private and local laws of 1885, entitled, an act to amend the charter of the city of Elroy, so that when amended it shall read as follows: Section 1. The west half of the southwest quarter and the south half of the southwest quarter of the northwest quarter of section number twenty-eight, the southeast quarter and the south half of the southeast quarter of the northeast quarter of section number twenty-nine, the east half of section number thirty-two, the west half, the southwest quarter of the southeast quarter, and the west one-half of the northwest quarter of the southeast quarter of section number thirty-three, all in township number fifteen north, of range number two east, in the county of Juneau and state of Wisconsin, shall be included in and constitute the limits and boundaries of the city of Elroy.

The elective
officers of the
city.

SECTION 2. Section 5, of chapter 162, of the laws of 1885, is hereby amended, so that when amended it shall read as follows: Section 5. The elective officers of said city shall be a mayor, a treasurer, an assessor, and a clerk, street commissioner and city marshal from the city at large, and a supervisor, a constable, two justices of the peace,